

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

CR 20-50004

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

VANCE ALLEN WARTHEN,

Defendant.

The Defendant states the following facts are true, and the parties agree that they establish a factual basis for the offense(s) to which Defendant is pleading guilty pursuant to Fed. R. Crim. P. 11(b)(3).

On August 19, 2019, Rapid City Police officers came into contact with Vance Warthen and B.C., age 15, on an unrelated matter. Warthen was not arrested but two phones were seized. At this time, Warthen was on federal supervision.

Law enforcement obtained search warrants for the seized devices for evidence of the kidnapping case as well as drug activity (again, not related to this case). During the forensic exam of one of Warthen's phones, a Samsung Galaxy 17 Sky Pro (SM-S727VL) examiner Jeremy Stauffacher (also with ICAC) noticed several videos of a young looking female engaged in sexually explicit conduct. One of the detectives from RCPD recognized the female as B.C. Agents obtained a second warrant to further examine the phone for child pornography. Stauffacher located a total of 15 videos of B.C. having sex with Warthen. It is

likely that the app broke the video into 15 separate videos, not that he videoed them having sex 15 separate times. The videos appeared to have been filmed via Snapchat, an internet based application, then saved on the cellular phone.

RCPD Det. Elliott Harding (also assigned to ICAC) interviewed B.C. She said she and Warthen had sex only one time in August 2019. She claimed Warthen did not know her age and claimed she told him she was 18. She said she knew Warthen was recording them having sex.

Harding also interviewed Warthen. He said B.C. first told him she was 18 then told him she was 17. He said he had the conversation about her age in August, the same month he became acquainted with her and prior to them engaging in sex. He admitted to recording having sex with her and that she knew he was recording because he is "not a creeper".

Harding viewed the Avanti room assigned to Warthen and it appeared to be the same location as depicted in the child pornography video.

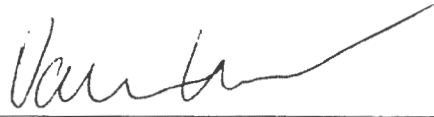
Snapchat operates solely on the internet and Samsung Galaxy phones are not manufactured in the district of South Dakota.

RONALD A. PARSONS, JR.
United States Attorney

7-14-2020
Date

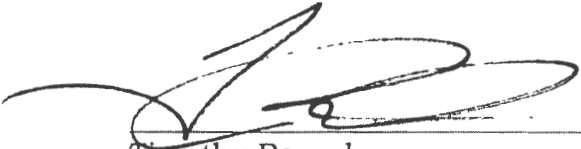
L. Kuber (for)
SARAH B. COLLINS
Assistant United States Attorney
515 9th Street #201
Rapid City, SD 57701
Telephone: (605)342-7822
Facsimile: (605)342-1108
E-Mail: Sarah.B.Collins@usdoj.gov

7/13/20
Date



Vance Allen Warthen
Defendant

7-13-20
Date



Timothy Rensch
Attorney for Defendant